

FILED APR 18 1979

SENATE FILE 492

By COMMITTEE ON APPROPRIATIONS
Approved 4/18 (p 1247)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act appropriating funds to the Iowa department of substance
2 abuse for administration and program grants.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. There is appropriated from the general fund
2 of the state to the department of substance abuse for each
3 fiscal year of the fiscal biennium beginning July 1, 1979
4 and ending June 30, 1981 the following amounts, or so much
5 thereof as is necessary, to be used for the purposes
6 designated:

	1979-1980	1980-1981
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
9 1. For salaries and		
10 support of not more than		
11 twenty-seven point six		
12 full-time equivalent po-		
13 sitions in the fiscal year		
14 beginning July 1, 1979		
15 and not more than twenty-		
16 six point eight full-		
17 time equivalent positions		
18 in the fiscal year begin-		
19 ning July 1, 1980, main-		
20 tenance and miscellaneous		
21 purposes	\$ 142,680	\$ 128,713

22 2. For substance		
23 abuse program grants	\$ 4,445,000	\$ 4,720,000

24 Sec. 2. Federal grants to and federal receipts of the
25 Iowa department of substance abuse are appropriated for the
26 purposes set forth in the federal grants or receipts.

27 EXPLANATION

28 This bill appropriates funds for state administration of
29 substance abuse services and for substance abuse program
30 grants.

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SENATE FILE 492

S-3589

1 Amend Senate File 492 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. _____. Section one hundred twenty-five point
5 twenty-five (125.25), Code 1979, is amended to read
6 as follows:

7 125.25 APPROVAL OF FACILITY BUDGET.

8 1. Before making any allocation of funds to a
9 local substance abuse program, the commission on
10 substance abuse shall require ~~the following to be~~
11 ~~submitted for~~ each program:

12 a.---A to submit a detailed line item budget clearly
13 indicating the funds received from each revenue source
14 for the fiscal year for which the funds are requested
15 on forms provided by the department of substance
16 abuse.

17 b.---A ~~certified statement from the auditor of each~~
18 ~~county participating in the program as to the amount~~
19 ~~of county resources committed to the program for the~~
20 ~~fiscal year for which the funds are requested.~~

21 2. The commission shall adopt rules governing
22 the approval of line item budgets for the operation
23 of facilities. ~~The rules shall include provisions~~
24 ~~for the approval of a facility's budget by the counties~~
25 ~~funding the facility and by the department. The rules~~
26 ~~shall also include provisions for appeal to the~~
27 ~~commission by any county which disagrees with the~~
28 ~~amount of a facility's budget approved by the~~
29 ~~department.~~

30 3. A county may, at the option of the board of
31 supervisors, participate in funding local substance
32 abuse programs after notifying the department of the
33 board's decision. However, additional funds provided
34 for a program by a county shall not become an
35 obligation of the state in succeeding fiscal years.

36 4. The commission shall adopt rules defining
37 eligibility for substance abuse services funded by
38 the department.

39 Sec. _____. Section one hundred twenty-five point
40 thirty-nine (125.39), subsection one (1), Code 1979,
41 is amended to read as follows:

42 1. In addition to other requirements established
43 by this chapter, a facility shall not be licensed
44 pursuant to section 125.13 unless it is either a
45 political subdivision, a licensed hospital or a
46 community mental health center operating under chapter
47 230A, or it is organized under the Iowa nonprofit
48 corporation Act appearing as chapter 504A. In the
49 latter case, ~~one-third of~~ the membership of the board
50 of directors shall be ~~representatives of such~~

S-3589

PAGE 2

1 ~~government-units-providing-funds-to-the-facility-for~~
2 ~~treatment-of-substance-abuse~~ include at least nine
3 ~~persons who are representative of the program service~~
4 ~~area.~~

5 Sec. ____ . Section one hundred twenty-five point
6 forty-three (125.43), Code 1979, is amended to read
7 as follows:

8 125.43 FUNDING AT MENTAL HEALTH INSTITUTES.
9 Chapter 230 shall govern the determination of the
10 costs and payment for treatment provided to substance
11 abusers in a mental health institute under the
12 department of social services, except that the charges
13 shall not constitute a lien on any real estate owned
14 by persons legally liable for support of the substance
15 abuser and the daily per diem shall be billed at
16 twenty-five percent. Beginning July 1, 1977, the
17 superintendent of a state hospital shall total only
18 those expenditures which can be attributed to the
19 cost of providing inpatient treatment to substance
20 abusers for purposes of determining the daily per
21 diem. The provisions of section ~~125.48~~ two hundred
22 thirty point twenty (230.20) of the Code shall govern
23 ~~the determination of who-is-legally-liable-for~~ the
24 cost of care, maintenance, and treatment of a substance
25 abuser and of the amount for which the person is
26 liable.

27 Sec. ____ . Section one hundred twenty-five point
28 forty-four (125.44), Code 1979, is amended to read
29 as follows:

30 125.44 CONTRACT FOR CARE--RULES ADOPTED. The
31 director may, consistent with the comprehensive
32 substance abuse program, enter into written agreements
33 with a facility as defined in section 125.2 to pay
34 ~~for-seventy-five-percent-of~~ the cost of the care,
35 maintenance and treatment of a substance abuser.
36 Such contracts shall be for a period of no more than
37 one year. The commission shall review and evaluate
38 at least once each year all such agreements and
39 determine whether or not they shall be continued.

40 The contract may be in such form and contain
41 provisions as agreed upon by the parties. Such
42 contract shall provide that the facility shall admit
43 and treat substance abusers regardless of where they
44 have residence. ~~If-one-payment-for-care,-maintenance,-~~
45 ~~and-treatment-is-not-made-by-the-patient-or-those~~
46 ~~legally-liable-therefor-within-thirty-days-after~~
47 ~~discharge-the-payment-shall-be-made-by-the-department~~
48 ~~directly-to-the-facility.~~ Payments shall be made
49 each month and shall be based upon the facility's
50 average daily per patient charge as determined by

S-3589
PAGE 3

1 the commission. Provisions of this section shall
2 do not pertain apply to patients treated at the mental
3 health institutes.

4 ~~If the appropriation to the department is~~
5 ~~insufficient to meet the requirements of this section,~~
6 ~~the department shall request a transfer of funds and~~
7 ~~section 8-39 shall apply.~~

8 Contracting facilities shall deliver to each patient
9 upon discharge a statement of the costs of the care,
10 maintenance and treatment for which that patient is
11 liable, and shall retain a carbon copy or other similar
12 copy of that statement for a period of not less than
13 one year after the date of discharge of the patient
14 to whom the statement refers. The fee charged to
15 a patient for a service shall be determined according
16 to the patient's ability to pay but a fee shall not
17 exceed the actual cost of providing the service.

18 A service funded partially or completely by the
19 department shall not be denied to a person because
20 of the inability of the person to pay a fee for the
21 service. Every payment received by a contracting
22 facility from or on behalf of a patient, whether
23 ~~received before or after costs have been billed to~~
24 ~~the department or to a county,~~ shall be identified
25 by the facility as to patient and invoice or statement,
26 and shall be reported to the department. ~~A contracting~~
27 ~~facility shall allow as a credit against a future~~
28 ~~billing to the department or to a county, payments~~
29 ~~received during each month from or on behalf of a~~
30 ~~patient whose care, maintenance and treatment~~
31 ~~theretofore has been billed to and paid by the~~
32 ~~department or a county.~~ Failure by a contracting
33 facility to comply with this paragraph, or with rules
34 promulgated pursuant to section 125.20 shall constitute
35 grounds for nonrenewal of the contract.

36 Sec. ____ . Section one hundred twenty-five point
37 forty-eight (125.48), unnumbered paragraph one (1),
38 Code 1979, is amended to read as follows:

39 The substance abuser and any person, firm,
40 corporation, or insurance company bound by contract
41 to provide support, hospitalization, or medical
42 services for the substance abuser shall be is legally
43 liable to the county of the substance abuser's
44 residence for twenty-five percent of the total amount
45 and to the department for seventy-five percent of
46 facility for the total amount of the cost of providing
47 care, maintenance, and treatment for the substance
48 abuser while a voluntary or committed patient in a
49 facility, except when the state pays the total cost
50 of care in which case liability of one hundred percent

S- 3589
PAGE 4

1 ~~shall-be-to-the-state~~. Nothing in this section shall
2 prohibit any individual from paying any portion of
3 the cost of treatment. The department is liable for
4 the cost of care, treatment, and maintenance of a
5 substance abuser admitted to the facility voluntarily
6 or pursuant to section one hundred twenty-five point
7 thirty-four (125.34), one hundred twenty-five point
8 thirty-five (125.35), three hundred twenty-one point
9 two hundred eighty-one (321.281) or three hundred
10 twenty-one point two hundred eighty-three (321.283),
11 subsection three (3), of the Code only to those
12 facilities that have a contract with the department
13 under section one hundred twenty-five point forty-
14 four (125.44) of the Code and only for the amount
15 computed according to section one hundred twenty-five
16 point forty-four (125.44) of the Code.

17 Sec. ____ Chapter one hundred twenty-five (125),
18 Code 1979, is amended by adding the following new
19 sections:

20 NEW SECTION. USE OF FUNDS--RESTRICTIONS.

21 1. The department shall not use state funds to
22 purchase services provided by personnel whose positions
23 are or would be at any time during the contract period
24 supported by federal grant money including but not
25 limited to personnel affiliated with the national
26 institute on alcohol abuse and alcoholism and the
27 national institute on drug abuse. However, funds
28 allocated by the department may be used to provide
29 all or a portion of state, local or other funding
30 for a program required as a condition of receipt of
31 federal money for the program. When a specific amount
32 of funds is required from other sources as a condition
33 for receipt of federal funds the department may
34 contract for services in an amount not exceeding the
35 level required for federal funding.

36 2. A program that receives funds from the
37 department shall submit any request for a federal
38 grant for purposes relating to substance abuse to
39 the department for review and approval. If the request
40 for federal funds would result in the temporary
41 employment of personnel the request shall be approved
42 by the department before it is submitted to the federal
43 government. However, the department may by rule
44 establish a general policy on grant requests involving
45 the temporary employment of personnel in lieu of a
46 formal review of each request.

47 3. A program that receives funds from the
48 department shall not use the funds to provide services
49 that, according to state and federal law, are the
50 responsibility of another local, state or federal

agency.

2 NEW SECTION. LIST OF CONTRACTING FACILITIES.

3 The department shall provide a current list of
4 facilities that have a contract with the department
5 to the clerk of each district court in the state.
6 The clerk shall provide the list to all district court
7 judges and judicial magistrates in the district.

8 Sec. _____. Section three hundred twenty-one point
9 two hundred eighty-one (321.281), unnumbered paragraph
10 two (2), Code 1979, is amended to read as follows:

11 In lieu of, or prior to imposition of, the
12 punishment above described for second offense, third
13 offense and each offense thereafter, the court upon
14 hearing may commit the defendant for treatment of
15 alcoholism or drug addiction or dependency to any
16 hospital or institution in Iowa providing such
17 treatment. The court may prescribe the length of
18 time for such treatment or it may request that the
19 hospital to which the person is committed immediately
20 report to the court when the person has received
21 maximum benefit from the program of the hospital or
22 institution or has recovered from his or her addiction,
23 dependency or tendency to chronically abuse alcohol
24 or drugs. A The costs of treatment of a person
25 committed under this section shall be considered a
26 state-patient paid as provided in section one hundred
27 twenty-five point forty-eight (125.48) of the Code.

28 Sec. _____. Section three hundred twenty-one point
29 two hundred eighty-three (321.283), subsection three
30 (3), Code 1979, is amended to read as follows:

31 3. REFERRED ON CONVICTION. After any conviction
32 for operating a motor vehicle while under the influence
33 of an alcoholic beverage under section 321.281, the
34 court may refer the defendant for treatment at a
35 facility as defined in sections 125.1 to 125.43 and
36 designated by the division-on-alcoholism Iowa
37 department of substance abuse. The court may prescribe
38 the length of time for treatment or it may be left
39 to the discretion of the facility to which the
40 defendant was referred. A-person-referred-under-this
41 section-shall-be-considered-a-state-patient,-and
42 charges-and The costs for treatment of a person
43 referred under this section shall be paid for-in-the
44 manner-provided-for-payment-for-treatment-of-alcoholics
45 who-have-no-legal-residence-in-this-state as provided
46 in section one hundred twenty-five point forty-eight
47 (125.48) of the Code.

48 Sec. _____. Sections one hundred twenty-five point
49 forty-five (125.45) through one hundred twenty-five
50 point forty-seven (125.47) and section one hundred

S-3589
PAGE 6

- 1 twenty-five point forty-nine (125.49) through one
- 2 hundred twenty-five point fifty-three (125.53), Code
- 3 1979, are repealed."
- 4 2. Amend the title, line 1, by inserting after
- 5 the word "Act" the words "relating to and".
- 6 3. By renumbering as necessary in conformance with
- 7 this amendment.

S-3589 FILED
APRIL 23, 1979

BY DAVE READINGER

SENATE FILE 492

S-3601

- 1 Amend Senate File 492 as follows:
- 2 1. Page 1, line 11, by striking the word "twenty-
- 3 seven" and inserting in lieu thereof the word "twenty-
- 4 eight".
- 5 2. Page 1, lines 15 and 16, by striking the word
- 6 "twenty-six" and inserting in lieu thereof the word
- 7 "twenty-seven".
- 8 3. Page 1, by striking line 21 and inserting in
- 9 lieu thereof the following:
- 10 "purposes \$167,380 \$153,413".

BY DAVID M. READINGER
JULIA GENTLEMAN
ALVIN V. MILLER
RICHARD F. DRAKE
C. JOSEPH COLEMAN

S-3601 FILED
APRIL 24, 1979

S-3802

- 1 Amend the amendment, S-3589, to Senate File 492
2 as follows:
3 1. Page 1, line 5, by inserting after the figure
4 "(125.25)," the words and figure "subsection one (1),
5 paragraph b,".
6 2. Page 1, by striking lines 7 through 16.
7 3. Page 1, by inserting after line 20 the
8 following:
9 "b. The approval of the board of supervisors of
10 each county served by the program."
11 4. Page 1, by striking lines 42 through 50.
12 5. Page 2, by striking lines 1 through 4 and
13 inserting in lieu thereof the following:
14 "1. In addition to other requirements established
15 by this chapter, a facility shall not be licensed
16 pursuant to section 125.13 unless it is either a
17 political subdivision, a licensed hospital or a
18 community mental health center operating under chapter
19 230A, or it is organized under the Iowa nonprofit
20 corporation Act appearing as chapter 504A. In the
21 latter case, one-third of the membership of the board
22 of directors shall be representatives of such
23 government-units-providing-funds-to county governments
24 served by the facility for-treatment-of-substance
25 abuse.
26 6. Page 2, line 21, by inserting after the word
27 "diem." the words "The superintendent of a state
28 mental health institute shall determine during the
29 initial evaluation if the patient is a substance
30 abuser. The determination shall be independent of
31 any other problem or diagnosis of the patient."
32 7. Page 3, by inserting after line 7 the following:
33 "A facility that has a contract with the department
34 under this section shall not submit to a county a
35 request for funds for substance abuse prevention and
36 education programs or for the cost of care, treatment,
37 and maintenance of substance abusers unless the county
38 board of supervisors asks for the request."
39 8. By renumbering as necessary.

S-3802 FILED
MAY 10, 1979

BY EARL M. WILLITS

SENATE FILE 492

S-3748

1 Amend Senate File 492 as follows:

2 1. Page 1, by inserting after line 23 the following
3 section:

4 "Sec. ____ . The state comptroller shall on July
5 1, 1979 transfer to and deposit in the general fund
6 of the state four million five hundred thousand
7 (4,500,000) dollars from the military service tax
8 credit fund created in section four hundred twenty-
9 six A point one (426A.1) of the Code. The state
10 comptroller shall on July 1, 1980 transfer to and
11 deposit in the general fund of the state two million
12 (2,000,000) dollars from the military service tax
13 credit fund created in section four hundred twenty-
14 six A point one (426A.1) of the Code. It is the
15 intent of the general assembly that funds transferred
16 under this section be used to fund substance abuse
17 programs under section one (1) of this Act."

18 2. Amend the title, line 2, by inserting after
19 the word "grants" the words "and providing for the
20 transfer of funds".

21 3. By renumbering as necessary.

S-3748 FILED
MAY 9, 1979

BY NORMAN G. RODGERS